

IV. AMENDMENTS TO THE DRAWINGS

--- Replacement and annotated mark-up drawing sheets for amended figures showing the amended figures, if any, are attached at the Appendix hereto. Each figure is in compliance with 37 C.F.R. § 1.84. An explanation of the changes, if any, is set forth below in this “Amendments to the Drawings” section. Replacement drawing sheets are identified in the top margin as “Replacement Sheet.” Any replacement drawing sheet including amended figures includes all of the figures appearing on the immediate prior version of the sheet. Any annotated drawing sheets, if the same are required by the Examiner, are identified in the top margin as “Annotated Marked-Up Drawings.” Any deleted figure is noted by an instruction to delete the figure. Any corresponding amendment to the specification necessary to be made because of an amendment to the drawings in this section is made in the corresponding “Amendments to Specification” section.

- THE DRAWINGS OF THE PATENT IS HEREBY AMENDED AS SET FORTH BELOW:

- Re-drafted FIGS. 1 – 3 are attached at the Appendix.

V. REMARKS/ARGUMENTS

- STATUS OF THE CLAIMS

Claims 1 – 20 are pending in this application. Claims 1 – 18 have been withdrawn from consideration pursuant to the restriction requirement discussed below. Claims 19 and 20 are amended herein. Support for such amendments is found in the specification at paragraphs [00082] – [00084] among other places.

- OBJECTIONS

- OBJECTIONS TO THE SPECIFICATION

- Examiner's Stance

The Examiner objects to the use of the trademark “Macrovision” in the specification. The Examiner indicates that the trademark should be capitalized wherever it appears, and that the mark “be accompanied by the generic terminology.” The Examiner further indicates that the left side of page 22 is missing.

- Applicants' Response

Applicants respectfully traverse the Examiner's objections to the specification in part based on Applicants' assertion that a person of ordinary skill in the art would clearly recognize the trademark use of “Macrovision” in the specification, and because Applicants note no missing “left side” on page 22 of the specification as submitted. However, Applicants assert that such objections are mooted by Applicants' amendment to the specification set forth above.

- OBJECTIONS TO THE DRAWINGS

- Examiner's Stance

The Examiner objects to the drawings because “several labels are difficult to see/read.” The Examiner specifically recites “a', b', c', d'” of FIG. 3 as being unclear.

- Applicants' Response

Applicants respectfully traverse the Examiner's objections to the drawings, asserting that such are clear. However, Applicants have herein provided re-drafted drawings which they assert overcome all of the Examiner's objections.

RESTRICTION REQUIREMENT UNDER 35 U.S.C. §121

- MAKING OF SUCH REQUIREMENT FINAL

- Examiner's Stance

The Examiner notes Applicants' provisional election (which was with traverse) of Group IV, claims 19 – 20. The Examiner asserts that claim sets 1 – 7, 8 – 13, 14 – 18, and 19 – 20 assert distinct inventions from one another, being “related as subcombinations ... usable together in a single combination,” yet “separately usable” (*see*, page 2, point 2 of the Office Action). The Examiner asserts “[b]ecause these inventions are distinct ... and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes ... is proper.”

- Applicants' Response

Applicants respectfully traverse the Examiner's restriction requirement in part based on the argument that the search and examination of the entire original claims presented can be made without serious burden.

Applicants confirm that their attorney made a provisional election to prosecute the invention of Group IV, viz claims 19 and 20. Affirmation of this election is made herein.

Applicants note that upon cancellation of claims to a non-elected invention, inventorship must be amended if one or more of the currently named inventors is no longer

an inventor of at least one claim remaining in the invention. Should the Examiner make the restriction requirement final, a request under 37 C.F.R. 1.48(b) is attached at the Appendix hereto correcting inventorship as to the pending claims.

- REJECTIONS

REJECTION UNDER 35 U.S.C. §102(a) AND (e)

- Examiner's Stance

The Examiner has rejected unamended claims 19 and 20 under 35 U.S.C. §102(a) and (e) as being anticipated by U.S. Patent No. 6,477,124 to Carson. The Examiner asserts that the Carson reference teaches each and every element of unamended claims 19 and 20.

- Applicants' Response

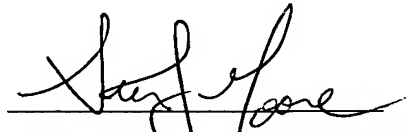
Applicants respectfully traverse the rejection of unamended claims 19 – 20 under 35 U.S.C. §102(a) and (e). Applicants assert that amendments to claims 19 and 20 made herein obviate such rejection. Applicants bring to the Examiner's attention claims 1 and 56 set forth in the Reply to Office Action of September 7, 2005 of U.S. Patent Application No. 10/062,400 which the presently amended claims parallel. Applicants note once more their interference request dated August 21, 2003 which was filed against (in part) unamended claims 1 and 56 of U.S. Patent Application Serial No. 10/062,400.

Applicants note the argument in U.S. Patent Application Serial No. 10/062,400 "Response to Office Action of September 7, 2005" at page 26 to the effect that the "Carson readback 'data rate' is not the same as the 'transfer rate'" of amended claims 1 and 56 of U.S. Patent Application Serial No. 10/062,400 in that the data rate of Carson "directly relate[s] to the rotational velocity of [the] disc during readback," while the "transfer rate" is the "rate at which read data are returned from the media device to the computing device." To the extent the Examiner adopts such argument, Applicants assert that amended claims 19 and 20 herein are patentable over 35 U.S.C. 102(a) and (e).

CONCLUSION TO REMARKS

Applicants assert that this response is fully responsive to the Examiner's office action dated October 18, 2005. Applicants respectfully seek early allowance of the pending claims.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Steven J. Moore", is written over a horizontal line.

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VI. APPENDIX



- A "Request under 37 C.F.R. § 1.48(b) to Correct Inventorship Pursuant to 35 U.S.C. § 116"
- FIGS. 1 - 3